IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 21985 of 2004

Between:

T. Narasimha Reddy, S/o. T. Narasingha Reddy,
R/o. Jaya Hospitals, Hanamkonda, Warangal District.

... PETITIONER

AND

1 The Assistant Director (FAC), District Survey & Land Records, O/o. The

Collector, District Sy. Land Records, Warangal.
2 The Assistant Director of Mines and Geology, Warangal, Warangal District.
3 Regional Vigilance & Enforcement Officer, Warangal, Warangal District.
4 M/s. Kodandarama Waddera Labour Stone Workers Paraspara Shayaka

Sahakara Sangham Limited, Vishnupuri, Waddera Colony, Kazipet, Rep. by its

President K. Srinivas.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.s2 and 3 in taking steps to conduct the survey of Sy.No.906, 907 and 1002/1 of Madikonda Village of Hanamkonda Mandal, Warangal District vide proceedings No. Rc.No.

A3/1331/2004, dt. 20-11-2004 as arbitrary, illegal and unconstitutional.

Counsel for the Petitioner: MR.T.HANUMANTHA REDDY

Counsel for the Respondents 1 to 3: GP FOR MINES AND GEOLOGY

The Court, at the admission stage, made the following:

ORDER:

In the present writ petition, Petitioner is challenging the impugned notice dated 20-11-2004 issued by the Collector, District Survey and Land Records, Warangal directing the Survey Department to conduct survey and fix the boundaries of lease area in Sy.Nos.906, 907 & 1002/1 of Madikonda Village, Hanamkonda Mandal on 23-11-2004 at 11 A.M.

The learned counsel for the petitioner submits that the impugned order is passed at the instance of the Regional Vigilance and Enforcement Department on a complaint made by the fourth respondent-society that M/s Pokarna Limited, Warangal is illegally quarrying granite in S.No.1002/1 instead of quarrying in the land leased to them in Sy.Nos.906 of Madikonda Village. She further contended that inasmuch as earlier a survey was conducted at the instance of the Civil Court, where civil disputes between the parties are pending, there is no necessity to conduct another survey.

It is alleged that the lessee of the petitioner is excavating mineral from the lands of the fourth respondent. The petitioner has not shown as to the prejudice that would be caused to him if the survey as directed in the impugned order is conducted. If there is any boundary dispute or any dispute as regards the area of quarrying, the same can be resolved only through conduct of survey. Inasmuch as the survey would be conducted in the presence of the petitioner and after notice to him, if he has any objections to raise, he may place the same before the Survey Officer, who shall take the same into consideration at the time of conducting the survey. If, in the survey, any adverse order is passed against the petitioner, he is at liberty to challenge the same in accordance with law.

The writ petition is accordingly disposed of.

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N.V. RAMANA, J

November 30, 2004

Note: Issue C.C. today

(B/o)

MRR/GSN

To:

1 The Assistant Director (FAC), District Survey & Land Records, O/o. The

Collector, District Sy. Land Records, Warangal.
2 The Assistant Director of Mines and Geology, Warangal, Warangal District.
3 Regional Vigilance & Enforcement Officer, Warangal, Warangal District.
4 Two C.C. s to the G.P. for Mines and Geology, High Court Buildings,

Hyderabad (OUT)